

FCC Received April 26, 1996 @ 9.15 a.m.
Donna A. Bradshaw

FEDERAL COMMUNICATIONS COMMISSION

In Re Applications of:)	MM DOCKET No.: 95-154
CONTEMPORARY MEDIA, INC.)	
Licensee of Stations WBOW(AM),)	
WBFX(AM), and WZZQ(FM),)	
Terre Haute, Indiana)	
Order to Show Cause Why the)	
Licenses for Stations)	
WBOW(AM), WBFX(AM), and)	
WZZQ(FM), Terre Haute, Indiana)	
Should Not be Revoked)	
CONTEMPORARY BROADCASTING INC.)	
Licensee of Station KFMZ(FM),)	
Columbia, Missouri, and)	
Permittee of Station KAAM-FM,)	
Huntsville, Missouri (unbuilt))	
Order to Show Cause Why the)	
Authorizations for KFMZ(FM),)	
Columbia, Missouri, and)	
KAAM-FM, Huntsville, Missouri,)	
Should Not be Revoked)	
LAKE BROADCASTING, INC.)	
Licensee of Station KBMX(FM),)	
Eldon, Missouri, and Permittee)	
of Station KFXE(FM),)	
Cuba, Missouri)	
Order to Show Cause Why the)	
Authorizations for KBMX(FM),)	
Eldon, Missouri, and KFXE(FM),)	
Cuba, Missouri,)	
Should Not be Revoked)	
LAKE BROADCASTING, INC.)	File No.: BPH-921112MH
For a Construction Permit for)	
a New FM Station on Channe)	
244A at Bourbon, Missouri)	

C O R R E C T E D C O P Y

Volume: 3
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Place: Washington, D.C.
Date: April 2, 1996

HERITAGE REPORTING CORPORATION

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Before the
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Washington, D.C. 20554

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Suite 200
FCC Building
2000 L Street, N.W.
Washington, D.C.

Tuesday,
April 2, 1996

The parties met, pursuant to the notice of the
Judge, at 9:58 a.m.

BEFORE: HON. ARTHUR I. STEINBERG
Administrative Law Judge

APPEARANCES:

On Behalf of Contemporary Media, et al.:

SHELLY SADOWSKY, ESQ.
MICHAEL DEAN GAFFNEY, ESQ.
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(202) 463-4640

On Behalf of the Commission:

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D. ANTHONY MASTANDO, ESQ.
Mass Media Bureau
Federal Communications Commission
2025 4 Street, Northwest
Washington, D.C.

Heritage Reporting Corporation
(202) 628-4888

I N D E X

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
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(None)

Opening Statement on behalf of:	None
Closing Argument on behalf of:	None

E X H I B I T S

<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>REJECTED</u>
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Mass Media Bureau:

1	64	72	--
2	64	73	--
3	73	75	--
4	76	78	--
5	79	--	--
6	82	--	83
7	84	--	86
8	87	88	--
9	89	89	--

Contemporary Media, et al.:

1	95	95	--
2	97	102	--
3	103	106	--
4	106	108	--
5	108	109	--

Hearing Began: 10:58 a.m.

Hearing Ended: 11:36 a.m.

P R O C E E D I N G S

JUDGE STEINBERG: We are on the record now.

This is the commencement of the hearing in MM Docket No. 95-154, involving an Order to Show Cause and Notice of Apparent Liability directed against Contemporary Media, Inc., Contemporary Broadcasting, Inc., and Lake Broadcasting, Inc. All three will be referred to collectively as the Licensees.

The issues specified in the Order to Show Cause seek to determine the effect of a principal's criminal conviction on the basic qualifications of the Licensees, to determine whether misrepresentations were made to the Commission by the Licensees, to determine whether there was an unauthorized transfer of control of the Licensees, and to determine whether the Licensees possess the qualifications to be or to remain Licensees of their radio stations.

Let me take the appearances of counsel.

First, for the Licensees?

MS. SADOWSKY: Shelly Sadowsky and Michael Gaffney, Rosenman & Colin.

JUDGE STEINBERG: And for the Mass Media Bureau?

MR. ZAUNER: Robert A. Zauner and Anthony Mastando.

JUDGE STEINBERG: Okay, there are a couple of preliminary matters that we have to consider before we go to

1 the admission of the exhibits.

2 The first thing was on March 28, 1996, the
3 Licensees filed an expedition motion to strike, or, in the
4 alternative for further discovery and special relief.

5 In essence, the Licensees urged the Court to
6 strike the testimony of Mr. Hanks.

7 What is his first name?

8 MR. ZARNER: Paul.

9 JUDGE STEINBERG: Paul Hanks.

10 The Bureau, in their notification, in their
11 exhibit exchange notification, witnesses to be presented had
12 listed Mr. Hanks as a witness, and the Licensees urged me to
13 strike Mr. Hanks as a witness, or, in the alternative, to
14 issue an order directing the Bureau to provide a complete
15 witness summary. The Licensees alleged that the summary of
16 Mr. Hanks' testimony was inadequate.

17 They also wanted me to direct the Bureau to
18 provide the Licensees with copies of all newly discovered
19 documents and to complete their discovery responses, and the
20 Licensees wanted to have an opportunity conduct further
21 discovery, presumably of Mr. Hanks, and to revise their
22 direct case accordingly.

23 Given that we were having this admissions session,
24 I have requested Ms. Sadowsky to arrange a conference call
25 among all counsel and myself, and she was kind enough to do

1 so.

2 During that conference call Mr. Zauner represented
3 that they would no longer offer Mr. Hanks as a witness, at
4 least for the direct case portion of the case.

5 Is that correct, Mr. Zauner?

6 MR. ZAUNER: That is correct.

7 JUDGE STEINBERG: So therefore that mooted several
8 of the Licensees requests; namely, the request that I
9 strike Mr. Hanks as a witness or that I issue an order
10 directing the Bureau to provide a complete witness summary.

11 I did direct the Bureau to turn over to the
12 Licensees additional documents which they had not previously
13 turned over; specifically, documents which were appended to
14 a deposition that Mr. Hanks gave in a separate proceeding.
15 And let me -- did I summarize accurately what the documents
16 were?

17 MR. ZAUNER: The documents, as I recollect,
18 actually were responses to interrogatories in the case, and
19 documents attached to the response to interrogatories that
20 we received at the same time we had received the deposition.
21 We provided those documents to counsel for the licensees.

22 JUDGE STEINBERG: Okay. And, Ms. Sadowsky, you
23 got those documents?

24 MS. SADOWSKY: Yes, I did.

25 JUDGE STEINBERG: Okay, so basically I granted

1 that portion of your request.

2 In terms of providing Licensees a full opportunity
3 to conduct further discovery, I will note that there was a
4 Notice of Deposition upon Oral Examination filed, seeking to
5 take the deposition of Leon Paul Hanks, and we will talk
6 about that a little later.

7 And in terms of revising your direct case
8 accordingly, well, if you want to revise your direct case at
9 any time you just make the motion, and then I determine
10 whether you can revise it or not. I mean, I don't see that
11 you need special permission to do that now.

12 In essence, what I did is some of the motion
13 basically should be dismissed as moot, and some of them
14 motion was granted, and some was denied.

15 Does anybody have any comment on that? Ms.
16 Sadowsky?

17 MS. SADOWSKY: I do, Your Honor.

18 With respect to the Bureau's notice on March 29
19 that they were withdrawing Mr. Hanks as a direct case
20 witness, and instead were planning to offer him as a
21 rebuttal witness.

22 JUDGE STEINBERG: Right.

23 MS. SADOWSKY: The Licensees strongly object to
24 this tactic on the part of the Bureau. Your Honor, if a
25 witness is to be a part of one's direct case, and then is

1 suddenly switched to a rebuttal witness, the question that I
2 have is isn't the purpose of rebuttal to raise matters first
3 raised in the -- in our situation -- in our direct case.

4 And if Mr. Hanks was to have been a direct case
5 witness and, again, the Bureau has the burden of proof in
6 this case, it's unclear to us how he can suddenly become a
7 rebuttal witness when apparently he was to have information
8 that was relevant to the direct case.

9 JUDGE STEINBERG: Mr. Zauner?

10 MR. ZAUNER: I think this objection is premature.
11 I think that at the time we put Mr. Hanks on the stand, if
12 we go into matters that were not -- that are not in rebuttal
13 to matters contained in the Licensees' direct case, Mrs.
14 Sadowsky would have an opportunity to object on the grounds
15 that it should have been part of our direct case, and was
16 not. And at that time Your Honor would have an opportunity
17 to rule.

18 JUDGE STEINBERG: Okay, I think we will take it up
19 later if it comes to that.

20 Okay, so anything else with respect to the
21 expedited motion?

22 MS. SADOWSKY: Your Honor, I do not recall in your
23 summary that you just discussed with respect to our
24 continuing Interrogatory No. 1 where we had requested that
25 the Bureau disclose to us the individuals with whom they

1 spoke who had any relevant information to the case,
2 regardless of whether that information was in support of
3 their case or our case. And you did discuss that memo on
4 Friday, the 29th

5 JUDGE STEINBERG: Okay, now, correct me if I am
6 wrong, Interrogatory 1 requested -- well, it's set forth in
7 your motion at page 6.

8 The Bureau, in their response, objected to
9 answering Interrogatory 1. Is the objection -- I don't
10 remember is --

11 MS. SADOWSKY: No, no.

12 JUDGE STEINBERG: They objected, and I think I
13 said on the conference call on Friday that there was no
14 motion to compel an answer to that interrogatory, and that
15 raising that interrogatory at this late date is untimely.

16 Then I think there was a discussion between you
17 and Mr. Zauner as to what "relevant" meant. And Mr. Zauner
18 made some analogy which I can't remember right now. But
19 basically -- let me ask Mr. Zauner.

20 Do you know of any -- on the record here, I think
21 we asked -- I think that we went over this on the telephone,
22 do you know of anybody that you have interviewed that's got
23 relevant information concerning this proceeding which should
24 be exculpatory toward the Licensees?

25 MR. ZAUNER: I don't think I can answer that

1 question because it would depend upon what you mean by
2 relevant. And as you noted, Ms. Sadowsky and I seem to have
3 different opinions as to what constitutes relevant
4 information.

5 To the extent that we interviewed witnesses, I
6 will say the names of all of the potential witnesses that we
7 interviewed were provided to us by the Licensee, and any
8 investigation that we conducted could have equally been
9 conducted by the Licensee.

10 I will say this, that -- well, that's all I will
11 say.

12 JUDGE STEINBERG: Okay, so you don't know of
13 anybody that they don't know of?

14 MR. ZAJNER: I know of nobody that they don't know
15 of.

16 JUDGE STEINBERG: Okay. I think that answers it.
17 I think the Bureau has done what it was required to do if in
18 fact it was required to do anything pursuant to
19 Interrogatory 1 inasmuch as they objected and you didn't
20 move to compel. We are just going to have to read that one
21 in the transcript to understand that ruling.

22 No, I mean, you look confused, Ms. Sadowsky.

23 MS. SADOWSKY: I am not confused, Your Honor. I
24 am dismayed.

25 JUDGE STEINBERG: Okay you disagree strongly.

1 MS. SADOWSKY: I am dismayed.

2 JUDGE STEINBERG: Okay. You know, my point is
3 that you gave the Bureau names of former employees, and
4 that's who -- of former employees and other people
5 presumably. And that's who the Bureau interviewed; is that
6 correct, Mr. Zainer?

7 MR. ZAINER: That's correct.

8 JUDGE STEINBERG: And you didn't go beyond that?

9 MR. ZAINER: I don't believe so.

10 (Bureau consults.)

11 MR. ZAINER: We did talk to some individuals who
12 were not on the list, but they had no relevant evidence, and
13 I can tell you if had no relevant evidence, I think, under
14 Ms. Sadowsky's definition of relevant evidence or mine. It
15 was something we just discarded after talking to them.

16 JUDGE STEINBERG: Okay, it was nothing where, in
17 your opinion, that if we put them up on the stand they would
18 testify favorably to the Licensees?

19 MR. ZAINER: Well, wait a minute. Let me just
20 speak to --

21 JUDGE STEINBERG: Why don't you let Mr. Mastando
22 speak because he -- is Mr. Mastando the one that talked to
23 them?

24 MR. ZAINER: Yes, let me --

25 JUDGE STEINBERG: Okay.

1 (Bureau consults.)

2 MR. ZAUNER: I think my answer as I gave it is
3 complete.

4 JUDGE STEINBERG: Okay.

5 MS. SADOWSKY: Your Honor, can I just again as for
6 Mr. Zauner's definition of relevance, because I don't think
7 it's stated on the record?

8 He stated that we have a differing view of what is
9 relevant, and I would like to hear his definition if you
10 don't mind.

11 MR. ZAUNER: Relevant evidence is that evidence
12 which goes to prove a point in contention.

13 JUDGE STEINBERG: Or disprove.

14 MR. ZAUNER: Or disprove it.

15 MS. SADOWSKY: Okay.

16 JUDGE STEINBERG: Okay. I think we won't go any
17 further with that.

18 What I will do is I will issue a brief order just
19 saying that for the reasons stated on the record certain
20 portions of the motion -- of the expedited motion were
21 dismissed as moot, and the rest was granted or denied to the
22 extent reflected on the record.

23 Anybody have any problem with that? And whoever
24 wants to appeal this, or egregiously rumbling one can refer
25 to the record.

1 Okay, the next thing that I have is a Notice of
2 Deposition Upon Oral Examination which is dated March 29,
3 1996, seeks to take the deposition of Leon Paul Hanks.

4 I just have two comments on this. I don't think
5 we have to delve into this in any detail. And the first is
6 that did you know that April 20th, the proposed date, is on
7 a Saturday?

8 MS. SADOWSKY: Yes, I do.

9 JUDGE STEINBERG: Okay. Is that any problem?

10 MS. SADOWSKY: We have contacted Mr. Stamper, who
11 is Mr. Hanks' counsel, to discuss having a deposition in a
12 timely fashion given the hearing date. He was in a rush to
13 go to court. We were in a rush to come here. And we are
14 going to talk again, and I don't believe we will have a
15 difficult time setting up a date for the deposition. But as
16 soon as we know I will report to you.

17 JUDGE STEINBERG: Okay. Yes, the second point I
18 had was can any -- do you have any problems waiving the 21-
19 day notice requirement given the fact that we're going to go
20 to hearing in a week?

21 And I would like to wrap it up if I can. If I
22 can't, I can't.

23 MS. SADOWSKY: In our conversation with Mr.
24 Stamper this morning, he did not -- first, I don't think he
25 had received this notice yet.

1 JUDGE STEINBERG: Okay.

2 MS. SADOWSKY: But he didn't indicate to us that
3 there would be a problem with a 21-day notice period.

4 JUDGE STEINBERG: Okay.

5 MS. SADOWSKY: But we will wait a see.

6 JUDGE STEINBERG: Does the Bureau have any problem
7 with the 21-day notice?

8 MR. ZARNER: When are we contemplating taking Mr.
9 Hanks' deposition?

10 JUDGE STEINBERG: Well, I think the point is we
11 don't know yet. But for purposes of the notice, you had to
12 notice him -- you had to give him 21 days notice, and that's
13 why April 20th was picked.

14 MR. ZARNER: Right. The only thing I am thinking
15 is that from our scheduling for him to come to Washington,
16 D.C., if you are going to take his deposition while he is
17 here in Washington, D.C., I would like to know that so -- if
18 that's your plan so that I can put an extra block of time in
19 the time we will have him here.

20 I don't want to make arrangements for him to fly
21 back.

22 JUDGE STEINBERG: Well, he was noticed for St.
23 Louis, Missouri, the deposition in St. Louis.

24 MR. ZARNER: I know -- yeah. Are you planning to
25 do it here or are you going to --

1 MS. SADOWSKY: We were planning to do it wherever
2 is the most convenient for all parties. We just discussed
3 this morning the possibility of doing it in Mr. Stamper's
4 office in Columbia.

5 Your Honor, it was our thought that because Mr.
6 Hanks is now going to be a rebuttal witness, that we could
7 go forward with the direct cases, and if necessary, because
8 of scheduling problems, Mr. Hanks could be taken at a later
9 date, maybe not next week.

10 JUDGE STEINBERG: Okay. Why don't we revisit this
11 because you might not -- the Bureau might decide not to have
12 any rebuttal anyway.

13 MR. ZARNER: Well, Your Honor --

14 JUDGE STEINBERG: Which would moot a lot of this.

15 MR. ZARNER: I think this might be a good time to
16 visit it because I am in the process now, my office is, of
17 making the flight arrangements and the travel arrangements
18 for Mr. Hanks. And if we are going to put the rebuttal
19 phase of this case off, I would appreciate knowing it as
20 soon as possible today, even.

21 JUDGE STEINBERG: Well.

22 MR. ZARNER: But if we are going to go ahead with
23 it, then --

24 JUDGE STEINBERG: Well, I don't see how, okay, I
25 don't see how it would be fair for Mr. Hanks to get up here

1 and sit on the witness stand and testify, and the recess and
2 have a deposition. I mean, that is not the way things are
3 done.

4 MR. ZAJNER: That's right.

5 JUDGE STEINBERG: I think if he is going to be
6 deposed, he should be deposed before he opens up his mouth.
7 Now, it might -- you may hear his deposition and say I don't
8 want to call this guy anymore. And I think, you know,
9 unofficially, and this is not an official ruling, but I
10 don't see how the rebuttal can immediately follow the direct
11 case given the timing of this whole thing. I think it's
12 going to have to be put off until after he is deposed unless
13 there is other rebuttal evidence that comes up.

14 MS. SADOWSKY: Your Honor, we --

15 JUDGE STEINBERG: But I think I would rather have
16 all the rebuttal in one -- you know, one unit instead of
17 having it come in in a piece at a time.

18 MS. SADOWSKY: We thought that it might be better
19 to discuss the question of timing after we go through our
20 exhibits and we know who is going to be cross-examined, et
21 cetera.

22 JUDGE STEINBERG: Okay.

23 MR. ZAJNER: If I may make just one other point on
24 this. I don't believe that the Licensee has a right to take
25 a deposition of Paul Hanks. Paul Hanks is coming in as a

1 rebuttal witness and he is -- and according to Your Honor's
2 schedule, rebuttal witnesses are to be put on immediately
3 upon the closing of the direct cases.

4 JUDGE STEINBERG: Well, I think I indicated in the
5 last conference that if you came up with a new witness, that
6 I would let them depose them if they wished, and I am going
7 to stick to that ruling. I think that, you know, fair is
8 fair, I mean given especially the late notice, you know, the
9 late date at which they were notified that Mr. Hanks had
10 relevant knowledge under any definition. So I am going to
11 stick with that.

12 Okay, anything further on -- we can revisit that.
13 I mean, this is not the last word on that. But I would say
14 just off the top of my head, and I think Ms. Sadowsky would
15 agree, I don't think Mr. Hanks will be here next week.

16 Would you agree with that?

17 MS. SADOWSKY: I would agree with that.

18 JUDGE STEINBERG: Okay. Unless you can get him
19 deposed later this week.

20 MS. SADOWSKY: All right.

21 JUDGE STEINBERG: But you all agree and let me
22 know, how about that? If there is a dispute, then you can
23 call me, and I think that is as far as we can go.

24 The last preliminary matter I have here, and let
25 me give you copies of this, Ms. Sadowsky. I received this

1 in the mail yesterday. Mr. Zauner.

2 It appears to me to be an ex parte communication
3 from a fellow named W. Edward Jukes, who is a senior vice
4 president of the bank, and I have enclosed a copy of the
5 envelope. I have the original here.

6 I think I know the explanation for this, and let
7 me turn it over - according to Section 1.1212(c) of the
8 Commission's rules I am supposed to forward this letter to
9 the managing director, because I think it's clearly an ex
10 parte communication. But I think there is an innocent
11 explanation.

12 Have you finished reading it? Yes, why don't you
13 all finish reading it, and then I will let Mr. Gaffney,
14 since his name is mentioned in the letter, or Ms. Sadowsky,
15 explain it, and then we can decide what to do with it.

16 MR. GAFFNEY: Your Honor, I can address this.

17 JUDGE STEINBERG: Let them finish reading it
18 first.

19 MR. GAFFNEY: Excuse me.

20 MR. ZAUNER: Okay.

21 JUDGE STEINBERG: Okay.

22 MR. GAFFNEY: If you turn your attention to the
23 last exhibit, Exhibit No. 5 in the Licensees direct case, we
24 have character reference letters which we will address when
25 we get to the admission portion of this.

1 We made some communications in order to get those
2 types of letters. This is an individual who was
3 communicated in order to get a character reference.

4 I directed the individuals to send the letters to
5 me, and that we would present them in this admissions
6 hearing to the Court collectively.

7 We had decided, indeed, not to -- not to include
8 Mr. Jukes' letter under what we perceived to be a useful
9 character reference just because it's more of a credit
10 reference than a character reference.

11 Apparently someone in his office, since it was
12 addressed to you quite technically, although it was supposed
13 to be sent to me, sent a copy out to you anyway.

14 It will not -- we will not be moving for its
15 admission. It's not included in our direct case exhibits,
16 and I don't think much more needs to be said. It can be
17 disregarded as far as the Licensees are concerned.

18 JUDGE STEINBERG: Do you have anything that you
19 want to say about this?

20 MR. ZAJNER: No, Your Honor.

21 JUDGE STEINBERG: Okay. Now, you got petition to
22 enlarge materials.

23 MR. ZAJNER: I don't think so.

24 JUDGE STEINBERG: Let the record reflect the
25 humor.

1 Okay, will send this off to the, I think it's
2 the managing director unless they changed the rule, in
3 accordance with Section 1.1212(c) of the rules, and let the
4 managing director do with what the managing director wishes.
5 But I made copies for both of you, and I will retain a copy
6 in my files too. But if it's not offered, it will not be
7 part of the record.

8 Okay, any other preliminary matters?

9 Okay, then let's, since the Bureau has the burdens
10 we will consider its exhibits first, and so let me turn the
11 floor over to Mr. Zauner or Mr. Mastando, whomever.

12 MR. ZAJNER: Your Honor, at this time I would like
13 to have marked for identification as Mass Media Bureau
14 Exhibit No. 1 a document consisting of 56 pages. The first
15 page bears the caption of this proceeding, and the heading
16 "Mass Media Bureau's Request For Admissions of Fact and
17 Genuineness of Documents." The last page consists of the
18 certificate of service bearing the signature of Natalie A.
19 Moses.

20 At this time also I would request that you mark
21 for identification as Mass Media Bureau Exhibit No. 2.

22 JUDGE STEINBERG: Let me do one at a time.

23 MR. ZAJNER: Well, the reason I am --

24 JUDGE STEINBERG: Oh, okay.

25 MR. ZAJNER: -- requesting these two together is

1 because they sort of go hand in glove with one another and
2 are related to one another.

3 I would also request at this time that you have
4 marked as Mass Media Bureau Exhibit No. 2 a three-page
5 document. The first page of which bears the caption in this
6 proceeding, and the heading "Response to Mass Media Bureau's
7 Request for Admissions of Fact and Genuineness of
8 Documents," and the last page bearing the signatures of
9 Howard J. Braun, Shelly Sadowsky, and Michael D. Gaffney.

10 And, Your Honor, I would request that both of
11 these documents be marked for identification at this point
12 in time.

13 JUDGE STEINBERG: Okay. The Mass Media Bureau's
14 Request for Admissions will be marked as Bureau Exhibit No.
15 1. It will be identified as Bureau Exhibit No. 1.

16 (The document referred to was
17 marked for identification as
18 Mass Media Bureau Exhibit No.
19 1.)

20 JUDGE STEINBERG: And the response thereto will be
21 marked for identification as Bureau Exhibit No. 2.

22 (The document referred to was
23 marked for identification as
24 Mass Media Bureau Exhibit No.
25 2.)

1 MR. ZAUNER: Your Honor, before I move these
2 documents into evidence, I would note that there is a
3 conflict with regard to Bureau request No. 9, and if you see
4 that --

5 JUDGE STEINBERG: Right, I know, and No. 24.

6 MR. ZAUNER: -- the respondent uses improper and
7 inflammatory language.

8 The Bureau would offer to revise No. 9, instead of
9 speaking of the sexual abuse of five children, it would
10 alter that language to say sexual abuse of six juveniles,
11 and would offer that as modified language just to -- in the
12 hopes that that would resolve the respondent's objection to
13 request No. 9.

14 JUDGE STEINBERG: Okay.

15 MR. ZAUNER: So instead of "five children," it
16 would be "six juveniles."

17 JUDGE STEINBERG: Well, my preference is, you
18 know, let's just leave the documents the way they are, and
19 then whatever the attachments, you know, whatever the
20 attachments say, they say.

21 MR. ZAUNER: Okay.

22 JUDGE STEINBERG: Ms. Sadowsky?

23 Okay, are you offering No. 1?

24 MR. ZAUNER: If that's your ruling, yes, I would
25 offer No. 1 at this time.

1 JUDGE STEINBERG: Yes, my reference is let's --
2 you know this is a request for admissions. Let's not mess
3 with the language.

4 MS. SADOWSKY: Your Honor, I have several
5 objections to this. Your point is well taken that this is a
6 request for admissions. It's a discovery document. It's
7 not, in our view evidence. The fact is that we did object
8 to three of the requests.

9 JUDGE STEINBERG: Nine, 12 and 24.

10 MS. SADOWSKY: And I do think that that much of
11 the initial requests for admissions could have been the
12 content -- was more properly -- would have been more
13 properly presented in a stipulation between the parties.
14 With respect to the -- excuse me. With respect to the
15 documents, we did object to the one document where we were
16 not in a position to authenticate that document.

17 JUDGE STEINBERG: Right, that's Attachment 8.

18 MS. SADOWSKY: And basically our objection is to
19 the form that these are discovery documents, that it's going
20 to be --

21 JUDGE STEINBERG: Okay, let me see if I can short
22 circuit this.

23 With the exception of Attachment 8, which is the
24 August 12, '94 letter from Mr. Mitchell to Judge Edwards,
25 you don't have any problems with the attachments to Bureau

1 Exhibit 1?

2 MS. SADOWSKY: I'm sorry, we don't --

3 JUDGE STEINBERG: Let's take --

4 MS. SADOWSKY: With the exception of that?

5 JUDGE STEINBERG: Yes.

6 MS. SADOWSKY: I believe that's true.

7 MR. GARFNEY: Yes, with regard to the attachments
8 that we have admitted to the authenticity of those.

9 JUDGE STEINBERG: Right.

10 MR. GARFNEY: That should be the evidence.

11 JUDGE STEINBERG: Okay, so basically no problems
12 with Bureau Exhibit 1, page 6 through 30, and 34 to the end.

13 MS. SADOWSKY: Your Honor, I believe there is one
14 exception to that, and we have different grounds for
15 objecting to the admission of Attachment No. 2.

16 MR. ZAJNER: What page is that?

17 MS. SADOWSKY: Thirteen, 14, 15 and 16.

18 Your Honor, this --

19 JUDGE STEINBERG: Okay, so we narrow it down to
20 you have a problem with pages 14, 15 and 16 and 17 and 18
21 and 19.

22 MS. SADOWSKY: Right.

23 JUDGE STEINBERG: So pages 14 through 19, and
24 pages, basically 32 and 33.

25 MS. SADOWSKY: That's correct.